

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

JEMAL EARLE,

Plaintiff,

PROPOSED VOIR DIRE

-against-

16-CV-171 (SJ)(RML)
Hon. Sterling Johnson, Jr.

ANTHONY RIVELLI

Defendant.

----- X

Defendant Anthony Rivelli, by his attorney, James E. Johnson, Corporation Counsel of the City of New York, pursuant to Rule 47(a) of the Federal Rules of Civil Procedure, hereby submits the following proposed questions for *voir dire*:

1. What is your full name and county of residence?
2. What neighborhood do you live in? How long have you lived there?
3. What kind of work do you do? (If retired, what was the last type of work that you did?)
4. What is your job title?
5. Please state any other jobs you have had in the past 10 years.
6. What is your highest level of education?
7. What colleges/graduate schools, if any, have you attended?
8. Are you married or do you live with someone? If yes, what kind of work does that person do? (If he/she is retired, what did they do?)
9. Do you have any children? If yes, how old are they? Are they in school? Employed? Where/by whom?
10. What are your hobbies?

11. Do you read any newspapers or magazines, or watch any TV shows/news? If yes, which ones?
12. Have you ever served on a jury before? If yes, was it civil or criminal? Did you reach a verdict? Were you satisfied or dissatisfied by the process?
13. Have you ever served on a grand jury?
14. Were you ever in any branch of the armed services?
15. Do you watch television shows, movies, etc. about law enforcement, lawyers, police, or trials? If so, can you put aside any expectations you might have about this trial that are based on those shows?
16. Do you have any family members or close friends who are attorneys? If yes, what kind of law do they practice?
17. Do you have any close friends or family members who have ever been employed by any local, state, or federal agency? If yes, please describe.
18. Do you have any close friends or family members who are or have been employed by the City of New York – any City agency? If yes, please describe.
19. Do you have any close friends or family members who are or have been members of any police force/law enforcement/security agency? If yes, please describe.
20. Do you know the plaintiff Jemal Earle? If yes, in what capacity?
21. Do you know the defendant Anthony Rivelli? If yes, in what capacity?
22. The plaintiff in this case is represented by Baree Fett and Gabriel Harvis from the law firm of Elefterakis, Elefterakis and Panek LLP. Do you know or have you ever heard of these attorneys or firm?
23. The defendants are being represented by Angharad Wilson. Do you know or have you ever heard of this attorney?
24. Do you know or are you acquainted with any of the following witnesses who may be called to testify in this case, or names that may be mentioned during the course of this trial?
 - i. Jemal Earle
 - ii. Anthony Rivelli
 - iii. David Perez
 - iv. Steven Crozier

- v. Marc Rudon
- vi. Rohan Shaw
- vii. Nicole Bell
- viii. Allah Brown
- ix. Christopher Green

- 25. Are you familiar with the Department of Motor Vehicles office located at 168-35 Rockaway Boulevard? How so?
- 26. Have you or a close friend or family member ever been arrested? If yes, what were the circumstances and outcome? Did this affect your opinion of law enforcement? **[PLEASE DISCUSS PRIVATELY OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS]**
- 27. Have you or a close friend or family member ever had any encounter with law enforcement officials? If yes, please explain. Will this experience effect your ability to be a fair and impartial juror in this case? **[PLEASE DISCUSS PRIVATELY OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS]**
- 28. Have you or a close friend or family member ever had any encounter with any member of the New York City Police Department? If yes, please explain. Will this experience affect your ability to be a fair and impartial juror in this case? **[PLEASE DISCUSS PRIVATELY OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS]**
- 29. Have you or any close friends or family members ever had any interaction with officers of the 101st or 105th Police Precinct? If yes, please describe.
- 30. Have you ever made a complaint against a law enforcement officer? If yes, please describe the circumstances and outcome of the complaint. **[PLEASE DISCUSS PRIVATELY OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS]**.
- 31. You may have heard or read about recent incidents involving the police that have been in the news. These situations have absolutely nothing to do with this police officer. To the extent you have any feelings about any unrelated incidents involving the police, either positive or negative, will you be able to set those feelings aside and render a verdict in this case based solely on the evidence?
- 32. Have you or any friends or family ever participated in any protests concerning police officers or police conduct?
- 33. Have you or any friends or family ever posted or commented on blog posts or on social media regarding police officers or police conduct?
- 34. Have you or a close friend or family member ever been involved in a lawsuit? If yes, please describe the circumstances and outcome.

35. Have you ever been a witness for a party bringing a lawsuit? If yes, please describe the circumstances and the nature of your testimony. Would anything about that experience influence your ability to be fair and impartial in this case?
36. Do you have any bias against the New York City Police Department or its officers and staff, or any other law enforcement agency? **[IF YES, PLEASE DISCUSS PRIVATELY OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS]**
37. Would you be able to evaluate each witness's credibility objectively, without bias or prejudice?
38. Are you more or less likely to believe or disbelieve the testimony of a police officer, merely because he or she is a police officer? If yes, please explain.
39. Do you have any reason to believe that anything in your life experience would tend to make you partial to one side or the other in this case?
40. Will you be able to deliberate solely on the evidence presented at trial and not based on any other information?
41. Will you be able to follow the law as the judge instructs you, even if you don't agree with the law?
42. Do you have any reason to believe that anything in your life experience will make you partial to one side or the other in this case?
43. If you were one of the parties to this case, is there any reason why you would be hesitant to have the case decided by a juror with your frame of mind?
44. Is there anything that you have not been asked that you want to tell the Court which might be a factor in your ability to be fair and impartial in this case?

45. Please name someone famous, living or deceased, who you admire and why.

Dated: New York, New York
October 21, 2020

JAMES E. JOHNSON
Corporation Counsel of the City of New York
Attorney for Defendant Rivelli
100 Church Street
New York, New York 10007
Tel: (212) 356-2572
Fax: (212) 356-3509

By: 

Angharad Wilson
Assistant Corporation Counsel